UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

April 23, 2007

Reply to
Attn Of: ETPA-088 Ref: 05-062-AFS

Ken D. Martin, Forest Supervisor
Umatilla National Forest
2517 S.W. Hailey Avenue
Pendleton, OR 97801

Dear Mr. Martin:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed **School Fire Salvage Recovery Project** (CEQ No. 20070079) in the Umatilla National Forest. Our review of the draft SEIS was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the EIS prepared for the proposed project considers the expected environmental impacts, and the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

This DSEIS was prepared in response to a recent opinion by the 9th Circuit Court of Appeals concerning the School Fire Salvage Recovery Project (the Project). The court found that the Project was inconsistent with the Forest Plan (Eastside Screens) by inappropriately implementing the prohibition on logging of any "live tree" greater than or equal to 21 inches diameter at breast height (dbh) that currently exists in the sale areas. The Court reasoned that in the absence of an adopted technical definition of "live trees," the common understanding of the word "live" meant "to be alive" which meant "not dead." The Court went on to conclude that the Forest Service (Agency) could not harvest "dying" trees because they were not dead. The Court recognized that the Agency could correct this situation by amending the Umatilla National Forest Land and Resource Management Plan (Forest Plan) to include a definition of the term "live trees."

Following this ruling, the Eastern District Court of Washington issued an injunction requiring that the Forest Service not harvest any "live tree" from the project area greater than or equal to 21 inches dbh. This includes any tree of requisite size with green needles or that is not yet dead.

To address these rulings, the DSEIS considers two alternatives. Alternative 1 is the no action alternative. Alternative 2 (proposed action) proposes to amend the Forest Plan to modify

the Eastside Screens wildlife standard to define both "live" and "dead" trees. Under Alternative 2, the amended Forest Plan language would read:

Maintain all remnant late and old seral and/or structural live trees greater than or equal to 21" dbh that currently exist within stands proposed for harvest activities. Live trees are defined as trees rated to have a high probability of surviving the effects of fire, and trees rated to have a moderate probability of survival where sampling indicates that at least 50 percent of their basal cambium is alive. Dead trees are defined as trees rated to have a low probability of surviving the effects of fire, and trees rated to have a moderate probability of survival where sampling indicates that more than 50 percent of their basal cambium is dead. Survival probability is determined using "Factors Affecting Survival of Fire Injured Trees: A Rating System for Determining Relative Probability of Survival of Conifers in the Blue and Wallowa Mountains" (Scott et al. 2002, as amended) (commonly referred to as the Scott Guidelines).

It is notable that this amendment would apply to, and only for the duration of, the School Fire Salvage Recovery Project.

We have assigned a rating of LO (Lack of Objections) to the DSEIS. This rating and a summary of our comments will be published in the Federal Register. A summary of the rating system we used in conducting our review of the DSEIS is enclosed for your reference.

Although EPA continues to have concerns related to the potential for increased sediment loading to streams associated with the proposed salvage harvest, particularly in the Tucannon River Subbasin, we acknowledge that the current analysis is focused on an operational definition of the words "live" and "dead," and not on harvest per se. We also acknowledge the importance these sales to the local timber economy, and the importance of the trees currently under injunction in terms of making the proposed sales economically viable.

We appreciate that the Forest Service is proposing that this amendment should apply to, and only for the duration of, the School Fire Salvage Recover Project. As noted by Filip et. al (2007), "the effects of fire on trees depend on several factors. Tree species, size, and age; stand structure; season of burn; weather; fuel loading; topography; and fire severity are among the important variables that determine the degree of injury to trees and probability of immediate or delayed mortality or attack by bark beetles or other opportunistic pests in subsequent years." Accordingly, the definition of what constitutes a "dead" tree may vary as these factors change. Likewise, the model best suited to making a prediction about tree mortality may change.

We feel that the document has done an adequate job of considering a range of alternative models and methods for assessing the probability of tree mortality. Based on the information presented, it appears that the Scott Guidelines are the best suited to the assessment of tree mortality within the School Fire Project area. As noted in Appendix K, the Scott Guidelines are geographically specific to the School Fire Project area, and they provide a methodology for predicting the relative probability of survival for fire-injured trees growing on a wide variety of site conditions, exposed to varying levels of pre-fire factors, and experiencing widely varying levels of first-order fire effects to their crowns, stems and roots.

Nevertheless, as noted in the document (K-16), it is not possible to account for every combination of variables that could potentially result in tree death. There will always therefore be uncertainty associated with any probabilistic rating system (such as the Scott Guidelines). This uncertainty could be addressed in part by monitoring survival of fire-damaged trees across the School Fire burn (both inside and outside of sale units). Results from these monitoring efforts could be used to help validate and calibrate the Scott Guidelines. Additionally, we note that there have been relatively few studies that discuss empirical data on the effects of post-fire salvage logging. The School Fire Salvage project provides a unique opportunity to examine the effects of salvage logging and restoration planting in a fire prone ecosystem (Blue and Wallowa Mountains)

EPA appreciates the opportunity to comment on the DSEIS. If you have any questions regarding our comments, please contact Teresa Kubo at (530) 326-2859 or by electronic mail at kubo.teresa@epa.gov.

Sincerely,

/s/
Christine Reichgott, Manager
NEPA Review Unit

Enclosure